

KEVIN V. RYAN (CSBN 118321)
United States Attorney

MARK L. KROTOSKI (CSBN 138549)
Chief, Criminal Division

PETER B. AXELROD (CSBN 190843)
LAUREL BEELER (CSBN 187656)
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6774
Facsimile: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00447 CRB
)	
Plaintiff,)	<u>REQUEST, STIPULATION AND ORDER</u>
)	
v.)	
)	
MIN SUNG KIM,)	
)	
Defendant.)	

This matter is currently on the Court's calendar for June 7, 2006. Through counsel, defendant Min Sung Kim and the United States ask the Court to (a) vacate the June 7, 2006 date based on the defendant's anticipated plea agreement, (b) set a date of July 5, 2006 for change-of-plea, and (c) exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 from June 7, 2006, to July 5, 2006.

1. The parties are currently working out the language of a plea agreement and request that the Court set the matter for July 5, 2006, for change-of-plea.

2. The parties agree that the time between June 7, 2006 and July 5, 2006 should be excluded from the Speedy Trial clock. Previously, the Court has declared this case complex. See 18

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U.S.C. § 3161(h)(8)(B)(ii). Further, defense counsel is continuing to review discovery, including recently provided materials, and negotiate the plea language. These matters need a short amount of time to be resolved, and thus the parties agree that a continuance is necessary for the effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served by excluding the period from June 7, 2006 to July 5, 2006 outweigh the interest of the public and the defendant in a Speedy Trial. See id. § 3161(h)(8)(A).

STIPULATED:

June 2, 2006 DATE	/S/ PETER B. AXELROD PETER B. AXELROD LAUREL BEELER Assistant United States Attorneys
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June 2, 2006 DATE	/S/ MARK GOLDROSEN MARK GOLDROSEN Attorney for Min Sung Kim
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ORDER

For good cause shown, and for the reasons stated above, the Court (a) vacates the June 7, 2006, hearing date for defendant Min Sung Kim based on the anticipated plea agreement, (b) sets the matter for change-of-plea on July 5, 2006, at 2:15 p.m., and (c) excludes times under the Speedy Trial Act, 18 U.S.C. § 3161, from June 7, 2006, to July 5, 2006. The Court finds that the failure to grant the requested exclusion would deny defense counsel reasonable time necessary for effective preparation taking into account the exercise of due diligence. Further, the Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. § 3161(h)(8)(B)(ii). Thus, the Court finds that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court therefore concludes that this exclusion of time should be made under

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1 18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(ii) and (h)(8)(B)(iv).

2 IT IS SO ORDERED.

3
4 DATED: June 2, 2006

